IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GHULAM MOHAMMED**

**WRIT PETITION NO : 22504 of 1995**

Between:

1 YANDAPUR RAMACHANDRAM S/O NARAYANA
KANNAPURAM, KOYALAGUDEM (M).
2 YANDAPU BHOGI S/O NARSAYYA
KANNAPURAM, KOYALAGUDEM (M).

**..... PETITIONER(S)**

AND

1 AGENT OF GOVT. DIST. COLLECTOR
ELURU, W.G. DIST.
2 SPECIAL DEPUTY COLLECTOR (T.W.)
ROYA RAMACHANDRAPURAM, BUTTAIGUDEM, WG DIST.
3 SPECIAL DEPUTY TAHSILDAR (T.W.)
KOYA RAMACHANDRAPURAM, WG DIST.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more particularly one in the nature of a mandamus declaring the action of the 1st respondent in not granting stay of the eviction order passed by the 2nd respondent in respect of an extent of Ac.4-17 cents of land in R.S.No.170 of Koya Ramchandrapuram pending S.R.A.No.30/1995 on the file of the 1st respondent as illegal arbitrary and unconstitutional and further direct the respondents herein not to evict the petitioner from the land of Ac.4-17 cents in R.S.No.170 of Koya Ramchandrapuram Buttaigudem, WG Dist. and pass such other order or orders as this Hon'ble Court may deem fit.

**Counsel for the Petitioners:MR.Y.V.RAVI PRASAD**

**Counsel for the Respondent No.: GP FOR SOCIAL WELFARE**

**The Court made the following :**

**ORDER: ( Per GM,J )**

The facts of the case are that the 3rd respondent-Special Deputy Tahsildar (TW), No.11, Koya Ramachandrapuram, West Godavari District, filed a complaint under Section 3 (2) (a) of the Andra Pradesh Scheduled Areas Land Transfer Regulation, for short, 'the Regulation', as amended by Regulation I of 1970, stating that the Scheduled mentioned lands situated at Koya Rajahmundry villages of Buttaigudem Mandal, an agency area, is the possession and enjoyment of the petitioners, who are non-tribals, in contravention of Sub-Section (1) of Section 3 of Regulation, before the 2nd respondent-Special Deputy Collector, (TW), Koya Ramachandrapuram, Buttaigudem Mandal, West Godavari District, and requested that the lands in question be taken possession after declaring the alleged transactions as null and void under the provisions of the Regulation and the lands be assigned to the eligible landless poor tribals.

The 2nd respondent by order dated 2-8-1995 having enquired into the said complaint and having satisfied that the lands in question are agency lands and the alleged transaction under which the petitioners claim title to the lands being hit by the provisions of the Regulation, ordered for eviction and for assigning the same to the eligible landless poor tribals of that village by the Mandal Revenue Officer, Buttaigudem.

Aggrieved by the said order of eviction, the petitioners stated to have preferred appeal in SRA No.30 of 1995 before the Agent to the Government-District Collector, West Godavari, at Eluru-1st respondent herein. Along with the appeal, the petitioners have also filed an interlocutory application seeking stay of dispossession of the lands from their possession, which was refused by the 1st respondent, aggrieved thereby, this writ petition is preferred in not granting stay of dispossession, pending disposal of the appeal by the 1st respondent.

Heard the learned counsel for the petitioners and learned Government Pleader for Social Welfare.

This Court while admitting the writ petition on 5-10-1995, passed orders in WPMP No.27668 of 1995 granting stay of dispossession, pending disposal of the appeal by the 1st respondent and the said order since is in force. Inasmuch as, the writ petition itself was filed aggrieved by the action of the 1st respondent in not granting stay, and this Court had granted that relief, nothing more survives for adjudication in this writ petition, which is accordingly disposed of. No costs.

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**Ghulam Mohammed, J**

**Dated 17-3-2005**

**Nrg.**

ASST. REGISTRAR

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SECTION OFFICER

To

1 AGENT OF GOVT. DIST. COLLECTOR
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2 SPECIAL DEPUTY COLLECTOR (T.W.)
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KOYA RAMACHANDRAPURAM, W.G .DIST.

4. 2 CCs to the learned GP for Social Welfare, AP High Court, Hyd. (O.U.T.)

5. 2 CD copies

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